

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MATTHEW WILLIAMS,

Case No. 3:19-cv-00575-MMD-CLB

Petitioner,

ORDER

v.

ISIDRO BACA, *et al.*,

Respondents.

Petitioner Matthew Williams has filed a *pro se* habeas corpus petition under 28 U.S.C. § 2254. Before the Court is his second motion for appointment of counsel (the “Motion”) (ECF No. 16).

As the Court previously explained, there is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir. 1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Previously, the Court determined that Williams’ Petition—now together with the supplement to the Petition—presents the issues that he wishes to raise in a reasonably clear manner, and the legal issues do not appear to be particularly complex. (ECF No. 9 at 1-2.) In the Motion, Williams argues that other inmates will not assist him unless he pays them, which of course would violate NDOC regulations. (ECF No. 16 at 3.) This is not a valid reason to appoint counsel,

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1 and it does not change this Court's view that the Petition and supplement are reasonably  
2 clear. Therefore, the Motion is denied.

3 It is therefore ordered that Petitioner's second motion for appointment of counsel  
4 (ECF No. 16) is denied.

5 It is further ordered that Respondents file a response to the Petition within 90 days  
6 of the date of this order.

7 It is further ordered that the briefing schedule set forth in this Court's order dated  
8 February 21, 2020 (ECF No. 15) otherwise remains in effect.

9  
10 DATED this 21<sup>st</sup> day of April 2020.

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13 MIRANDA M. DU  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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